

Caution: DRAFT FORM

This is an advance draft copy of a California tax form. It is subject to change and FTB approval before it is officially released.

If you have any comments on this draft form, you can submit them to us on our website at www.ftb.ca.gov/forms/drafts/index.html.

2008**Alternative Minimum Tax and
Credit Limitations — Corporations****P (100)**

Attach to Form 100 or Form 109.

Corporation name

California corporation number

Part I Tentative Minimum Tax (TMT) and Alternative Minimum Tax (AMT) Computation

1 Net income (loss) after state adjustments. Enter the amount from Form 100, line 18; Schedule R, line 1c; or Form 109, the lessor of line 1 or line 2		1	00
2 Adjustments. See instructions			
a Depreciation of tangible property placed in service after 1986	2a	00	
b Amortization of certified pollution control facilities placed in service after 1986	2b	00	
c Amortization of mining exploration and development costs incurred after 1987	2c	00	
d Basis adjustments in determining gain or loss from sale or exchange of property	2d	00	
e Long-term contracts entered into after February 28, 1986	2e	00	
f Installment sales of certain property	2f	00	
g Tax shelter farm activities (personal service corporations only)	2g	00	
h Passive activities (closely held corporations and personal service corporations only)	2h	00	
i Certain loss limitations	2i	00	
j Beneficiaries of estates and trusts. Enter the amount from Schedule K-1 (541), line 12a	2j	00	
k Merchant marine capital construction funds	2k	00	
l Combine line 2a through line 2k	2l	00	
3 Tax preference items. See instructions			
a Depletion	3a	00	
b Intangible drilling costs	3b	00	
c Accelerated depreciation of real property placed in service before 1987	3c	00	
d Amortization of certified pollution control facilities placed in service before 1987	3d	00	
e Charitable contributions including appreciated property. See instructions	3e	00	
f Add line 3a through line 3e	3f	00	
4 Pre-adjustment alternative minimum taxable income (AMTI):			
a Combine line 1, line 2l, and line 3f	4a	00	
b Apportioned pre-adjustment AMTI. If income is derived from sources both within and outside of California, see instructions. Otherwise, enter amount from line 4a	4b	00	
5 Adjusted current earnings (ACE) adjustment:			
a Enter ACE. See instructions	5a	00	
b Apportioned ACE. If income is derived from sources both within and outside of California, see instructions. Otherwise, enter amount from line 5a	5b	00	
c Subtract line 4b from line 5b (even if one or both of the figures are negative). If negative, use brackets	5c	00	
d Multiply line 5c by 75% (.75) and enter the result as a positive number	5d	00	
e Enter the excess, if any, of the corporation's total increases in AMTI from prior year ACE adjustments over its total reductions in AMTI from prior year ACE adjustments. Enter an amount on line 5e (even if line 5c is positive)	5e	00	
f ACE adjustment:			
• If line 5c is a positive amount or zero, enter the amount from line 5d on line 5f as a positive amount.			
• If line 5c is a negative amount, enter the smaller of line 5d or line 5e on line 5f as a negative amount	5f	00	
6 Combine line 4b and line 5f. If zero or less, enter -0-	6	00	
7 a Reduction for disaster loss carryover deduction, if any, from Form 100, line 22	7a	00	
b AMT net operating loss deduction. See instructions	7b	00	
c Combine line 7a and line 7b	7c	00	
8 AMTI. Subtract line 7c from line 6	8	00	
9 Enter \$40,000 exemption. See instructions	9	00	
10 Enter \$150,000 limitation. See instructions	10	00	
11 Subtract line 10 from line 8. If zero or less, enter -0-	11	00	
12 Multiply line 11 by 25% (.25)	12	00	
13 Exemption. Subtract line 12 from line 9. If zero or less, enter -0-	13	00	
14 Subtract line 13 from line 8. If zero or less, enter -0-	14	00	
15 Multiply line 14 by 6.65% (.0665)	15	00	
16 Banks and financial corps. Multiply Form 100, line 23, by 2.00% (.0200). See instructions	16	00	

Part I Tentative Minimum Tax (TMT) and Alternative Minimum Tax (AMT) Computation (continued)

17 TMT. Add line 15 and line 16 from Side 1	17	00
18 Regular tax before credits. Enter amount from Form 100, line 24 or Form 109, line 10. See instructions	18	00
19 AMT. Subtract line 18 from line 17. If zero or less, enter -0-. See instructions	19	00

Part II Credits that Reduce Tax

1 Regular tax from Form 100, line 24 or Form 109, line 10	1	00
2 TMT (before credits) from Part I, line 17 (but not less than the minimum franchise tax, if applicable)	2	00

	(a) Credit amount	(b) Credit used this year	(c) Tax balance that may be offset by credits	(d) Credit carryover
Section A – Credits that reduce excess regular tax.				
3 Subtract line 2 from line 1. If zero or less, enter -0- and see instructions. This is the excess regular tax which may be offset by credits	3			
A1 Credits that reduce excess regular tax and have no carryover provisions.				
4 Code: 162 Prison inmate labor credit	4			
A2 Credits that reduce excess regular tax and have carryover provisions. See instructions.				
5 Code: _____ Credit Name:	5			
6 Code: _____ Credit Name:	6			
7 Code: _____ Credit Name:	7			
8 Code: _____ Credit Name:	8			
9 Code: 188 Credit for prior year AMT from Part III, line 3.	9			
Section B – Credits that may reduce regular tax below TMT.				
10 If Part II, line 3 is zero, enter the amount from line 1 minus the minimum franchise tax, if applicable. If line 3 is more than zero, enter the total of Part II, line 2, minus the minimum franchise tax, if applicable, plus line 9, column (c) or the last entry in column (c)	10			
B Credits that reduce net tax and have carryover provisions. See instructions.				
11 Code: _____ Credit Name:	11			
12 Code: _____ Credit Name:	12			
13 Code: _____ Credit Name:	13			
14 Code: _____ Credit Name:	14			
Section C – Credits that may reduce AMT.				
15 Enter the AMT from Part I, line 19	15			
16 Code: 180 Solar energy credit carryover from Section B, column (d)	16			
17 Code: 181 Commercial solar energy credit carryover from Section B, column (d)	17			
18 Adjusted AMT. Enter the balance from line 17, column (c) here and on Form 100, line 30 or Form 109, Side 1, line 13	18			

Part III Credit for Prior Year AMT

1 Enter the AMT from the 2007 Schedule P (100), Part I, line 19. See instructions	1	00
2 Carryover of unused credit for prior year AMT. See instructions	2	00
3 Total available credit. Add line 1 and line 2. Enter here and on Part II, line 9, column (a).	3	00

Instructions for Schedule P (100)

Alternative Minimum Tax and Credit Limitations — Corporations

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2005**, and to the California Revenue and Taxation Code (R&TC).

Important Information

In general, California law conforms to the Internal Revenue Code (IRC) as of January 2005. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all of the changes made at the federal level. For more information, go to our website at **ftb.ca.gov** and search for **conformity**.

Additional information can be found in FTB Pub. 1001, Supplemental Guidelines to California Adjustments, the instructions for California Schedule CA (540 or 540NR), and the Business Entity tax booklets.

The instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information that is most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the tax booklets. Taxpayers should not consider the tax booklets as authoritative law.

For taxable years beginning on or after January 1, 2002, the credit for prior year alternative minimum tax (AMT) has to be applied before any credits that can reduce the regular tax below the tentative minimum tax (TMT) in accordance with R&TC Section 23036 (c).

California law conforms to federal law regarding:

- The contribution deduction in excess of adjusted basis for appreciated property.
- Large banks' bad-debt losses deduction, which is limited to the actual losses rather than contributions to a reserve for bad debts.
- The removal of the adjusted current earnings (ACE) depreciation adjustment.
- The use of the same depreciation recovery periods for regular tax and AMT for property placed in service after December 31, 1998.
- The repeal of the installment method AMT adjustment for farmers. Farmers are allowed to use the installment method of accounting for purposes of AMT for payments received in taxable years beginning on or after January 1, 1997, for installment sales related to the sale or disposition of farm property made in taxable years beginning on or after January 1, 1988.
- The treatment of merchant marine capital construction account funds as an adjustment item for AMT.

California does not conform to the following federal AMT provisions:

- The elimination of AMT for small businesses.

These lists are not intended to be all-inclusive of the federal and state conformities and

differences. For more information, refer to California R&TC.

General Information

Unless stated otherwise, the term "corporation" as used in Schedule P (100), Alternative Minimum Tax and Credit Limitations — Corporations, and in these instructions, includes banks, financial corporations, limited liability companies (LLCs) classified as corporations, and exempt organizations other than exempt trusts, but not S corporations.

California tax laws give special treatment to some types of income and allow special deductions and credits for some types of expenses. Corporations that benefit from these laws may have to pay AMT in addition to the minimum franchise tax.

Use this schedule to calculate AMT and to figure credits that are limited by the TMT or that may reduce AMT.

See IRC Sections 55 through 59 for more information on figuring AMT. Note that R&TC Sections 23455, 23456, 23457, and 23459 modify IRC Sections 55 through 59.

Who Must File.

- Corporations should file Schedule P (100) if the sum of: AMT adjustments, preference items, loss denials, other items as specified under IRC Section 59, and state net income exceeds \$40,000.
- Exempt organizations, other than exempt trusts with unrelated business income, should file Schedule P (100) if the sum of: AMT adjustments, preference items, loss denials, items specified under IRC Section 59, and state net unrelated business taxable income exceeds \$40,000.
- Exempt trusts should use Schedule P (541), Alternative Minimum Tax and Credit Limitations — Fiduciaries.

In addition, if the corporation claims credits that are limited by TMT (Part I, line 17) or that reduce the AMT (Part I, line 19), the corporation must file Schedule P (100).

Members of a Combined Report. Alternative minimum taxable income (AMTI) and ACE are apportioned and allocated to California and to each taxpayer in the same manner as net income for purposes of regular tax. A separate AMT calculation is required for **each** member of a combined report. Complete a separate Schedule P (100) for **each** taxpayer included in the combined report. Attach the Schedule P (100) for each taxpayer member in the combined report **behind** the combined Schedule P (100) for all members. See instructions for Part I, line 4b, line 5a, line 5b, line 5e, line 7b, line 9, and line 10.

Short Period Return. For a short-period return, use the formula in IRC Section 443(d) to determine the AMTI and AMT.

Credit for Prior Year AMT. If the corporation paid AMT for 2007 or has a carryover of credit for prior year AMT and has no AMT liability for 2008, the corporation may use this credit in 2008 to reduce its regular tax liability. Complete Part III to figure this credit.

Round Cents to Dollars. Round cents to the nearest whole dollar. For example, round \$50.50 up to \$51 or round \$25.49 down to \$25. If the corporation does not round, the Franchise Tax Board (FTB) will disregard the cents. This helps process the returns quickly and accurately.

Specific Line Instructions

Part I — Tentative Minimum Tax (TMT) and Alternative Minimum Tax (AMT) Computation

Line 1— Net income (loss) after state adjustments

Enter the amount from Form 100, line 18 or Form 109, the lessor of line 1 or line 2. If the corporation filed a Schedule R, Apportionment and Allocation of Income, with the return, enter the amount from Schedule R, line 1c.

Line 2a — Depreciation of tangible property placed in service after 1986 and before 1999
Do **not** include depreciation adjustments attributable to a tax shelter farm activity or a passive activity on this line. Instead, include the adjustment on line 2g or line 2h.

Refigure the depreciation as follows:

- For property other than real property and property on which the straight-line method was used, use the 150% declining balance method, switching to straight-line for the first taxable year in which that method will give a higher depreciation deduction. Use the same life classes as used on the federal Form 4626, Alternative Minimum Tax — Corporations.
- For personal property having no asset depreciation range (ADR) class life, use 12 years.
- For residential rental and nonresidential real property, use the straight-line method over 40 years.

Determine the depreciation adjustment by subtracting the recomputed depreciation from the California depreciation on form FTB 3885, Corporation Depreciation and Amortization. Enter the difference on this line.

If the corporation elected to depreciate a grapevine that was replanted in a vineyard as a result of phylloxera or Pierce's disease infestation over 5 years instead of 20 years for regular tax, it must depreciate the grapevine over 10 years for AMT.

Depreciation that is capitalized to inventory under the uniform capitalization rules must be refigured using the rules described above.

Include on this line any differences between regular and AMT depreciation (e.g.: Section 179 depreciation differences).

Line 2b – Amortization of certified pollution control facilities

For any certified pollution control facility placed in service in California after 1986 and before 1999, the five-year depreciation method available for such facilities for regular tax purposes must be replaced for AMT purposes by the alternative depreciation system (ADS) specified under IRC Section 168(g) (straight-line method, without regard to salvage value). A facility placed in service after 1998 is depreciated using the IRC Section 168 straight-line method.

Line 2c – Amortization of mining exploration and development costs incurred after 1987

If the corporation elected the optional ten-year write-off under IRC Section 59(e) for all assets in this category, skip this line.

With respect to each mine or other natural deposit, (other than an oil, gas, or geothermal well) refigure the expenses before the 30% reduction under IRC Section 291(b) by amortizing them over ten years beginning with the year in which the expenses were paid or incurred. Figure the adjustment by subtracting the refigured amount from the deduction taken under IRC Section 616(a) or 617(a) after the 30% reduction. Enter the amount on this line. If a loss resulted with respect to those expenses, see IRC Section 56(a)(2)(B).

Line 2d – Basis adjustments in determining gain or loss from sale or exchange of property

If the corporation disposed of property during the year, refigure the gain or loss from such sale taking into account the AMT adjustments on line 2a through line 2c. Enter the difference between the gain or loss reported for regular tax and the recomputed gain or loss. If the recomputed gain is less, or the loss is more, enter the difference as a negative amount. Otherwise, enter a positive amount.

Line 2e – Long-term contracts entered into after February 28, 1986

If the corporation entered into a long-term contract after February 28, 1986, determine the taxable income from the contract under the percentage of completion method of accounting as modified by IRC Section 460(b) and R&TC Section 24673.2 using AMT adjustments and tax preference items.

Determine the difference between that result and the amount determined for the contract in figuring the regular tax and enter the difference on this line. If the refigured taxable income is less than the result when determining the regular tax, enter the difference as a negative amount.

California has conformed to IRC Section 460(b)(2). This section requires the taxpayer to "look-back" to previous years during which the contract work for certain contracts was in progress. The taxpayer must compute interest on the difference between the tax that was actually paid and the tax that would have been paid if the taxpayer had

known the actual contract prices and costs that would finally result.

Get form FTB 3834, Interest Computation Under the Look-Back Method for Completed Long-Term Contracts, to figure the interest due or to be refunded under the "look-back method."

Line 2f – Installment sales of certain property

For regular tax purposes, corporations may use the installment method of accounting for sales of certain property. For AMT, corporations may not determine income from dispositions of inventory or other property described in IRC Section 1221(1) using the installment method, except for certain dispositions of timeshares or residential lots, if the corporation elected to pay interest under IRC Section 453(l)(2)(B) (R&TC Section 24667).

If the corporation used the installment method for regular tax purposes, but was required for AMT purposes to report the entire gain in the year of disposition, the corporation may have adjustments with respect to those dispositions. Enter on this line as a negative amount the current year income the corporation reported for regular tax.

Farmers that received payments for a taxable year beginning on or after January 1, 1997, for qualified installment sales made in taxable years beginning on or after January 1, 1988, do not need to make an adjustment on this line.

Line 2g – Tax shelter farm activities (personal service corporations only)

Caution: To avoid duplication, if the corporation included AMT adjustments or tax preference items on this line, do not include them on any other line of this schedule.

Complete this line only if the corporation has a gain or loss from a tax shelter farm activity, as defined in IRC Section 58(a)(2), that is not a passive activity. If the tax shelter farm activity is a passive activity, the corporation must include the gain or loss with its other passive activities on line 2h.

Refigure all gains and losses reported for regular tax purposes from tax shelter farm activities using the AMT adjustments and tax preference items.

Figure the tax shelter farm activity gain or loss for AMT using the same rules the corporation used for regular tax except:

- Do **not** take any refigured loss unless the corporation is insolvent. See IRC Section 58(c)(1).
- Do **not** offset gains from other tax shelter activities with any refigured loss.

Instead, suspend and carry over the loss to future taxable years until one of the following applies:

- The corporation has a gain in a future taxable year from that same tax shelter farm activity.
- The corporation disposes of the activity.

Enter on this line the difference between the AMT tax shelter farm loss and the regular tax shelter farm loss.

Line 2h – Passive activities (closely held corporations and personal service corporations only)

Caution: To avoid duplication, if the corporation included AMT adjustments or tax preference items on this line, do not include them on any other line of this schedule.

Corporations may enter two kinds of adjustments on this line:

Regular passive activities. Refigure passive activity gains and losses for AMT by taking into account all AMT adjustments, tax preference items and AMT prior year unallowed losses that apply to the passive activity.

Tax shelter passive farm activities. Refigure any gain or loss from a tax shelter passive farm activity taking into account all AMT adjustments, tax preference items, and AMT prior year unallowed losses. If the amount is a gain, it may be included on form FTB 3802, Corporate Passive Activity Loss and Credit Limitations, but if it is a loss, the adjustment for tax shelter passive farm activity is the loss the corporation reported for regular tax. The AMT loss carryover is the refigured AMT loss.

If, at the end of the taxable year, the corporation's liabilities exceed the fair market value of the corporation's assets (insolvency), increase the passive activity loss allowed by that excess (but not more than the total loss). See IRC Section 58(c)(1).

Line 2i – Certain loss limitations

Refigure the allowable losses from at-risk activities and basis limitations applicable to partnerships, taking into account the AMT adjustments and tax preference items. See IRC Sections 59(h), 465, and 704(d). If the refigured loss is more than the loss reported for purposes of the regular tax, enter on this line as a negative amount the difference between the loss reported on the tax return for purposes of the regular tax and the refigured loss.

Line 2k – Merchant marine capital construction funds

Amounts deposited in these funds are not deductible for AMT. Earnings on these funds are not excludable from gross income for AMT. If the corporation deducted these amounts or excluded them from income for regular tax, add them back on line 2k.

Tax Preference Items

Line 3a – Depletion

In the case of mines, wells, and other natural deposits, enter the amount by which the deduction for depletion under IRC Section 611 is more than the adjusted basis of the property at the end of the corporation's taxable year. Figure the adjusted basis without regard to the depletion deduction and figure the excess separately for each property.

California conformed in 1993 to the federal repeal of the AMT depletion adjustment for independent oil and gas producers and royalty owners. Get federal Form 4626 for more information. However, the California depletion costs may continue to be different from the federal amounts because of prior differences in law and differences in basis.

See IRC Section 291(a)(2) for reduction in the amount allowable as a deduction in the case of iron ore and coal.

Line 3b – Intangible drilling costs

If the corporation elected the optional 60-month write-off under IRC Section 59(e) for all property in this category, skip this line.

Enter the amount by which excess intangible drilling costs exceed 65% of net income from oil, gas, and geothermal properties.

Figure excess intangible drilling costs as follows: From the intangible drilling and development costs allowable under IRC Section 263(c) or 291(b) (except costs in drilling a nonproductive well), subtract the amount that would have been allowable if these costs had been capitalized and either amortized over 120 months starting when production began or treated according to an election made under IRC Section 57(b)(2).

Net income from oil, gas, and geothermal properties is gross income from them, minus the deductions allocable to them, except for excess intangible drilling costs and nonproductive well costs.

Figure the line 3b amount separately for oil and gas properties that are not geothermal deposits and for oil and gas properties that are geothermal deposits.

California conformed in 1993 to the limited federal repeal of intangible drilling costs preferences for independent producers. California now conforms to the limit on the benefit of the exclusion of the preference for intangible drilling costs of 40% of AMTI. See the instructions for federal Form 4626. Also, note that the intangible drilling costs amounts may differ from federal amounts because of prior differences in the law.

Line 3c – Accelerated depreciation of real property placed in service before 1987

Enter on this line, but not less than zero, the difference between the depreciation taken for this property in determining the regular tax and depreciation as refigured using the straight-line method. Figure this amount separately for each property and include only positive adjustments. Use the straight-line method over the life of the property using the half-year convention and no salvage value.

Line 3d – Amortization of certified pollution control facilities placed in service before 1987

For any certified pollution control facility in California placed in service before 1987 (or before August 1, 1986, if an election was made), figure the amount by which the amortization allowable under IRC Section 169 is more than the depreciation deduction otherwise allowable. Before figuring this tax preference item, reduce the amortizable basis by 20% (15% if the facility was placed in service in 1983 or 1984, 0% if placed in service before 1983), as required under IRC Section 291. Multiply the difference above by 59.6% (71.6% if the facility was placed in service in 1983 or 1984, 100% if placed in service before 1983). Enter only positive amounts.

Line 3e – Charitable contributions including appreciated property

Enter on this line the difference between the charitable contributions deduction allowed for AMT purpose and the deduction allowed for regular tax purpose. Use only income and deductions allowed for AMT purposes when refiguring the limit based on taxable income under IRC Section 170(b)(2).

Also, for taxable years prior to January 1, 2002, California did not conform to the federal treatment of contributions of appreciated property for AMT. As a result, all carryovers from these contributions are still:

- Limited to the cost or other basis for any contribution in excess of adjusted basis.
- Treated as an AMT preference item.

Line 4b – Apportioned pre-adjustment AMTI

For taxpayers required to apportion their income, pre-adjustment AMTI is apportioned and allocated to California in the same manner as net income for purposes of the regular tax. This may be done by transferring the amount from line 4a to Schedule R, line 1c. Refigure the Schedule R taking into account any AMT adjustments, then transfer the refigured net income from Schedule R, line 35 to Schedule P (100), line 4b.

For combined reports, each taxpayer's pre-adjustment AMTI is the sum of (1) that corporation's apportioned share of combined business pre-adjustment AMTI and (2) any of that corporation's nonbusiness California source pre-adjustment AMTI. For additional guidance in making these computations, get FTB Pub. 1061, Guidelines for Corporations Filing a Combined Report.

Line 5a – ACE

If this schedule is for a regulated investment company or a real estate investment trust, skip this line.

The ACE is the pre-adjustment AMTI from line 4a with additional adjustments. California's ACE adjustment generally follows the federal ACE adjustment rules in IRC Section 56(g). To compute the California ACE, the federal ACE worksheet included in the instructions for the federal Form 4626 can be used by taking into account the modifications of R&TC Sections 23456 (e) and (f), if applicable. For example:

Taxes. Taxes on, according to, or measured by income are not deductible from earnings and profits (E&P). Foreign taxes on, according to, or measured by income are not deductible even though a foreign tax credit is not taken for federal purposes. Environmental taxes imposed by IRC Section 59A are not deductible from E&P.

Depreciation and amortization. For property placed in service on or after January 1, 1981, and before January 1, 1987, the amount allowable as depreciation or amortization must be determined using the straight-line method for each taxable year of useful life (determined without regard to R&TC Section 24354.2) that the corporation has held the property.

For property placed in service on or after January 1, 1987, and before January 1, 1990, the amount allowable as depreciation

or amortization must be determined by using the state AMTI depreciable basis as of the close of the taxable year beginning before January 1, 1990, and applying IRC Section 168(g). For property placed in service in taxable years beginning on or after January 1, 1990, and before January 1, 1998, use the ADS described in IRC Section 168(g). For property placed in service in taxable years beginning on or after January 1, 1998, no ACE depreciation adjustment is necessary.

Dividends. Dividends deductible for regular California tax purposes are deductible from E&P.

The provision of IRC Section 56(g)(4)(C)(ii), for 100% dividend, does not apply.

The provisions of IRC Sections 56(g)(4)(C)(iii) and (iv), for dividends from IRC Section 936 companies and certain dividends received by certain cooperatives, do not apply.

Certain amortization provisions. IRC Section 56(g)(4)(D)(ii) was modified to specify that circulation expenditures under IRC Section 173 (R&TC Section 24364) and organizational expenditures under IRC Section 248 (R&TC Section 24407) do not apply to expenditures paid or incurred in taxable years beginning on or after January 1, 1990, for E&P calculations.

Interest income. For entities not subject to the minimum franchise tax, interest income included in E&P must not exceed the amount of interest income included for regular tax purposes.

Appropriate adjustments must be made to limit deductions from ACE for interest expense in accordance with the provisions of R&TC Sections 24344 and 24425.

Line 5b – Apportioned ACE

For apportioning taxpayers and members of a combined report, ACE is apportioned and allocated to California in the same manner as net income for purposes of the regular tax and AMTI (FTB Legal Ruling 94-3). The method described in the instructions for line 4b may be used to compute the California ACE.

Line 5e – Excess of AMTI increases over AMTI reductions from prior year ACE adjustments

For combined reports, each taxpayer corporation enters the excess of its prior year accumulated positive California ACE adjustments over its prior years accumulated negative California ACE adjustments.

Line 7a – If a disaster loss carryover is claimed in 2008, enter the amount on this line.

Line 7b – AMT net operating loss (NOL) deduction

For taxable years beginning on or after January 1, 2004, California has reinstated the NOL carryover deductions. For more information, see form FTB 3805Q, Net Operating Loss (NOL) Computation and NOL and Disaster Loss Limitations — Corporations.

The AMT NOL is the NOL determined for regular tax except for the following:

1. For any taxable year beginning before 1988, reduce the NOL amount by any preference

- items attributable to the deferred tax that has not been paid.
2. In the case of a loss year beginning after 1987, the NOL determined for regular tax for such year must be:
 - (a) Reduced by the positive AMT adjustments and increased by the negative AMT adjustments.
 - (b) Reduced by the tax preference items (but only to the extent they increased the NOL as determined for regular tax).
 3. Reduce the AMT NOL by any expired losses.
 4. The AMT NOL may not offset more than 90% of the AMTI, Part I, line 6. Enter on line 7b the smaller of the AMT NOL or 90% of the amount on line 6.

Taxpayers that are members of a unitary group filing a combined report must separately compute the NOL carryover and application of the NOL carryover for each corporation in the group (R&TC Section 25108). The amount carried over for AMT is likely to differ from the amount (if any) that is carried over for regular tax; therefore, it is essential that the corporation retain adequate records for both AMT and regular tax.

If the corporation had a loss from a farming business due to Pierce's disease or from a business activity within an enterprise zone, the former Los Angeles Revitalization Zone (LARZ), a Local Agency Military Base Recovery area (LAMBRA), or the Targeted Tax Area (TTA), get FTB 3805D, Net Operating Loss (NOL) Carryover Computation and Limitation - Pierce's Disease; FTB 3805Z, Enterprise Zone Business Booklet; FTB 3806, Los Angeles Revitalization Zone Booklet; FTB 3807, Local Agency Military Base Recovery Area Booklet; or FTB 3809, Targeted Tax Area Booklet.

Line 9 and Line 10 – The \$40,000 exemption and the \$150,000 limitation apply to each bank or corporation included in the combined report that has a filing requirement in California, to the extent that each bank or corporation has AMTI.

Line 16 – Banks and financial corporations
Corporations with negative or zero taxable income on Form 100, line 23, enter -0-.

Line 18 – Regular tax before credits
For installment obligations subject to IRC Section 453(l)(2)(B) (Timeshares and Residential Lots) and IRC Section 453A (Nondealer dispositions greater than \$150,000), do **not** include tax increases for interest on the deferred tax liability.

Line 19 – AMT

If line 17 is more than zero and if the corporation has credits or credit carryovers, continue to Part II. Otherwise, stop here and enter the amount from line 19 on Form 100, line 30 or Form 109, line 13.

Part II — Credits that Reduce Tax

Complete Part II only if the corporation has tax credits.

Use Part II to determine the following:

- The amount of credit that may be used to offset tax.

- The tax that may be offset.
- The amount of credit, if any, that may be carried over to future years.
- The order in which to claim credits, if the corporation has more than one credit to claim.

Credits are applied against the tax on a separate entity basis. Unless otherwise provided by statutory authority, specific credit(s) are only available to the corporation that incurred the expense that generated the credits.

Before you complete Part II:

- Complete Form 100 through line 24.
- Figure the amount of credit(s) using a schedule or the credit form identified in the Credit Table on the next page. Be sure to attach the credit form or schedule to the tax return, if applicable.

To complete Part II:

- Complete line 1 through line 3 to figure the amount of excess tax the corporation may offset by credits.
- Identify in which section(s) of Part II the corporation may take tax credit(s). Credits **without** carryover provisions are listed on Schedule P (100) in Section A1 and may be taken only in that section. Credits **with** carryover provisions are listed on the Credit Table on the next page. The table identifies the section(s) of Part II in which the corporation may take these tax credits.
- If the corporation has credit(s) in Section B, be sure to complete line 10 in addition to the line(s) for the corporation's credit(s).
- Complete column (a) through column (d) for each line on which the corporation is taking a credit. See "Column Instructions" below for more information.
- Once the corporation has completed Part II, see "How to Claim Credits" on next page.

Column Instructions – In column:

- (a) Enter the amount of credit available to offset tax.
- (b) Figure the amount of credit the corporation is able to use this year by entering the smaller of the amount in column (a) or the amount in column (c) from the previous line.
- (c) Figure the amount of tax remaining to be offset by other credits by subtracting the amount in column (b) from the balance in column (c) of the previous line.
- (d) Enter the amount of credit carryover available to use in future years by subtracting the amount in column (b) from the amount in column (a).

Section A — Credits that reduce excess regular tax

Section A Instructions

Line 3 – Subtract line 2 from line 1. If the amount is zero or less, continue to Question 1. If the amount is greater than zero, go to the Section A1 instructions.

1. Does the Credit Table show that the corporation may take the credit **ONLY** in Section A1 or A2?

Yes Do **not** take the credit this year. Go to question 2.

No Go to Section B to figure the amount of credit the corporation may take this year. Then continue to Section C if the corporation's credit is listed in that section.

2. Does the credit have carryover provisions?

Yes Enter the credit code, credit name, and credit amount in column (a) in the section indicated by the table. Enter -0- in column (b). Enter the credit amount in column (d). This is the amount of the credit the corporation may carry over and use in future years.

No Do **not** take the credit this year or in future years.

Section A1 Instructions

Line 4 – If the corporation has the credit listed in this section, complete column (a) through column (c).

Section A2 Instructions

For taxable years beginning on or after January 1, 2002, the credit for prior year AMT has to be applied before any credits that can reduce the regular tax below the TMT in accordance with R&TC Section 23036 (c).

Line 5 through Line 9 – Follow the Credit Table Instructions on the next page to find out in which section to claim the credit. Then complete column (a) through column (d) for each credit in each section before going to the next section.

Generally, it is to the corporation's advantage to apply credits with limited carryovers before credits with no limitation on the carryover. However, the corporation may want to apply credits with no limitation on the carryover first if that is more advantageous.

Corporations may use these credits to reduce regular tax but not below TMT. The corporation may be able to, if applicable, carry them over to future years. The credits that do not have shading in column (d) can be carried over to future years, if applicable, after reducing the regular tax down to TMT.

Section B — Credits that may reduce regular tax below TMT

Corporations may use these credits to reduce the regular tax below TMT. Corporations may also carryover to future taxable years any credits remaining after reducing the regular tax down to the minimum franchise tax, if applicable. But, if the corporation has a tax balance and can continue to use the credit in Section C, apply the carryover in Section C.

Section B Instructions

Line 11 through Line 14 – Follow the Credit Table Instructions to find out in which section to claim the credit. Then complete column (a) through column (d) for each credit in each section before going to the next section.

Section C — Credits that may reduce AMT

If the corporation has AMT and remaining solar energy credit carryover or commercial solar energy credit carryover after reducing the regular tax down to the minimum franchise tax,

if applicable, the corporation may reduce AMT using these credits. Corporations may also carryover to future taxable years any credits remaining after reducing the AMT to zero.

Section C Instructions

Line 16 and Line 17 – If the corporation has any of the credits listed in this section, complete column (a) through column (d) for each credit in the order listed.

How to Claim Credits

Claim credits by transferring them to Form 100 or Form 109 as follows:

Credits on line 4 through line 14

Form 100 – If the corporation claims only one or two credits, enter the name, code number, and amount of the credit from column (b) on Form 100, line 25 and line 26.

If the corporation has any other credits to claim, add the amounts from column (b) for those credits. Enter the total on Form 100, line 27.

Form 109 – If the organization claims only one to six credits, enter the name, code number, and amount of the credit from column (b) on Form 109, Schedule B, line 1 through line 3.

If the organization has any other credits to claim, add the amounts from column (b) for those credits. Enter the total on Form 109, Schedule B, line 4.

Part III — Credit for Prior Year AMT

Use this part to figure the 2008 credit for prior year AMT if the corporation paid AMT for 2007 or had an AMT credit carryover from 2007.

For members of a unitary group filing a combined report, compute the credit for prior year AMT for each entity in the current year's group.

Line 1 – Enter the AMT from the 2007 Schedule P (100), Part I, line 19. If this amount was reduced by any commercial solar energy credit carryover or solar energy credit carryover, use the AMT from Section C, line 18 of the 2007 Schedule P (100.)

Line 2 – Enter the credit for prior year carryover from the 2007 Schedule P (100), Part II, line 9, column (d).

Credit Table Instructions. To use the table:

1. Find the corporation's credit(s) listed in the table.
2. See which sections are identified in the columns under "Offset Tax in Section."
3. Take the credit only in sections the table identifies for the corporation's credit.
4. Complete each section before going to the next section.

Credit Table

Code	Current Credits	Form	Offset Tax in Section			
209	Community Development Financial Institution Deposits	N/A	A2			
205	Disabled Access for Eligible Small Businesses	FTB 3548	A2			
204	Donated Agricultural Products Transportation	FTB 3547	A2			
190	Employer Child Care Contribution	FTB 3501	A2			
189	Employer Child Care Program	FTB 3501	A2			
203	Enhanced Oil Recovery	FTB 3546	A2			
176	Enterprise Zone Hiring & Sales or Use Tax 1 = hiring 2 = sales or use tax	FTB 3805Z		B ₁ B ₂		
218	Environmental Tax	FTB 3511	A2			
207	Farmworker Housing – Construction	N/A	A2			
208	Farmworker Housing – Loan	N/A	A2			
198	Local Agency Military Base Recovery Area Hiring & Sales or Use Tax	FTB 3807	A2			
172	Low-Income Housing	FTB 3521		B		
211	Manufacturing Enhancement Area Hiring	FTB 3808	A2			
213	Natural Heritage Preservation	FTB 3503		B		
188	Prior Year Alternative Minimum Tax	FTB 3510	A2			
162	Prison Inmate Labor	FTB 3507	A1			
183	Research	FTB 3523		B		
210	Targeted Tax Area Hiring & Sales or Use Tax	FTB 3809		B		
Code	Repealed Credits with Carryover Provisions	Form	Offset Tax in Section			
175	Agricultural Products	FTB 3540	A2			
196	Commercial Solar Electric System	FTB 3540		B		
181	Commercial Solar Energy	FTB 3540		B	C	
202	Contribution of Computer Software	FTB 3540	A2			
	Employer Ridesharing					
191	Large					
192	Small	FTB 3540	A2			
193	Transit Passes					
182	Energy Conservation	FTB 3540	A2			
215	Joint Strike Fighter Wage	FTB 3540	A2			
216	Joint Strike Fighter Property	FTB 3540	A2			
159	Los Angeles Revitalization Zone Hiring & Sales or Use Tax	FTB 3806		B		
160	Low-Emission Vehicles	FTB 3540	A2			
199	Manufacturers' Investment	FTB 3540		B		
185	Orphan Drug	FTB 3540		B		
174	Recycling Equipment	FTB 3540	A2			
206	Rice Straw	N/A	A2			
171	Ridesharing	FTB 3540	A2			
200	Salmon & Steelhead Trout Habitat Restoration	FTB 3540	A2			
180	Solar Energy	FTB 3540		B	C	
179	Solar Pump	FTB 3540	A2			
217	Solar or Wind Energy System	FTB 3540	A2			
201	Technological Property Contribution	FTB 3540	A2			